

East Contra Costa County Habitat Conservation Plan Association

HCPA Coordination Group Meeting

Thursday, June 17, 2004

1 p.m. to 3 p.m.

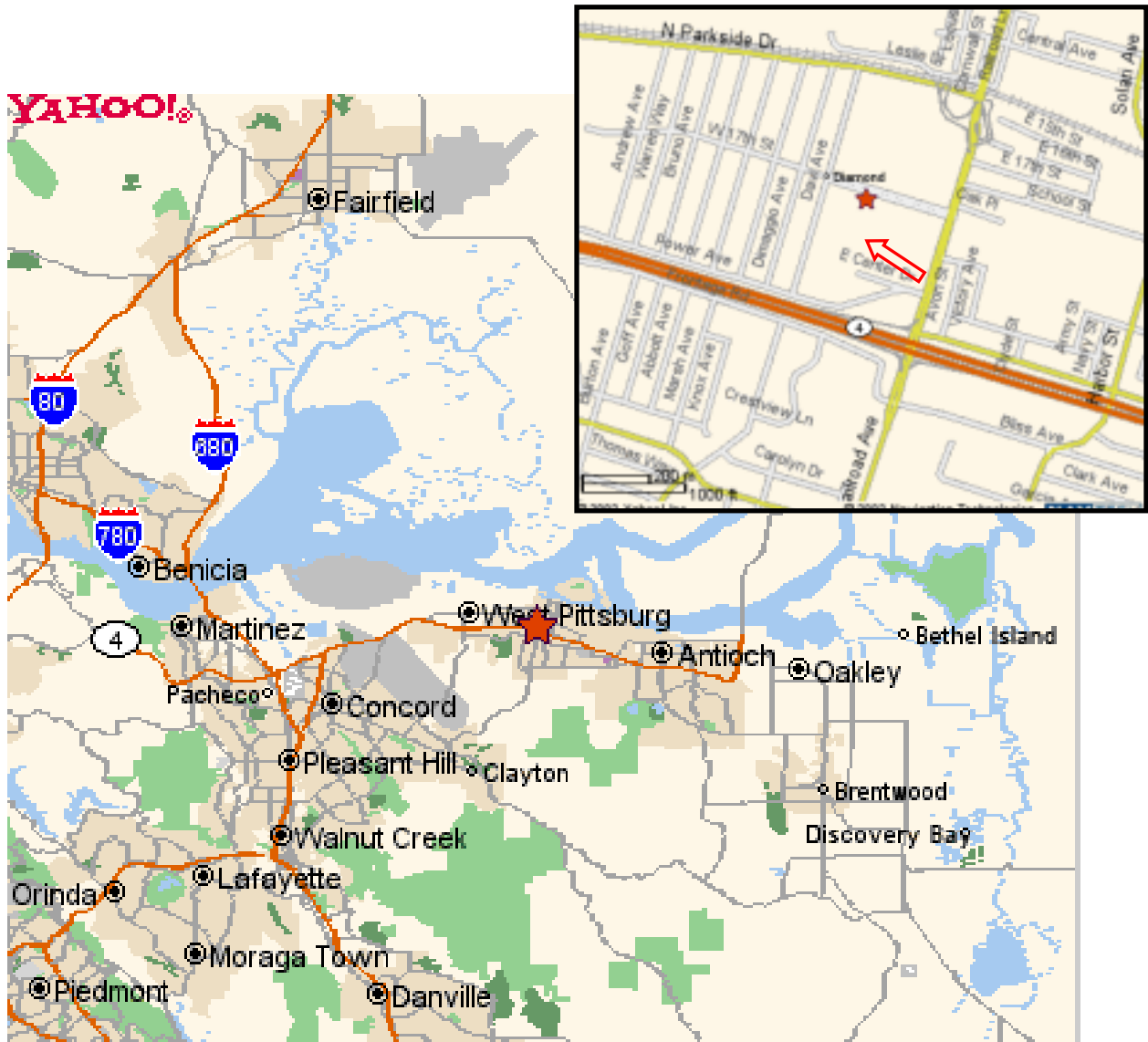
City of Pittsburg Council Chambers
65 Civic Drive in Pittsburg, 3rd Floor
(see map on reverse)

Agenda

- 1:00 Introductions. Review contents of meeting packet.
- 1:05 Review and approve Draft Meeting Record of the May 20 Coordination Group meeting.
- 1:10 Updates:
- Wetlands permitting
 - Covered species: proposal to add Western pond turtle and round leaf filaree to the covered species list (see EGC packet)
 - EGC meeting at 5:30 on June 17 (same day as Coordination Group)
- 1:30 Continue discussion of funding to implement the HCP/NCCP (see staff report to the Executive Governing Committee on this topic)
- a) Review status of funding plan
 - b) Funding commitments, implementing ordinance, and compulsory or non-compulsory fees
 - c) Tiering of fees
 - d) Exploring concept of including on-going charges on new developments as an option for local governments in lieu of part of impact fee
 - e) Agree on brief summary of Coordination Group discussions on these matters so that this may be shared with the EGC at the 5:30 meeting
- 2:15 Preview of revisions to plan related to Monitoring and Adaptive Management (see attached summary of proposed revisions, including comparison of former chapter outline with proposed new chapter outline).
- 2:55 Confirm upcoming meeting dates. Upcoming Coordination Group meetings are scheduled as follows for the City of Pittsburg Council Chambers (usually 3rd Thursdays):
- Thursday, July 15, 1 p.m. to 3 p.m.
Thursday, August 19, 1 p.m. to 3 p.m.
HCPA Executive Governing Committee: Thursday, June 17, 2004, 5:30 pm
- 2:55 Public comment.
- 3:00 Adjourn.

Times are approximate. If you have questions about this agenda or desire additional meeting materials, you may contact John Kopchik of the Contra Costa County Community Development Department at 925-335-1227. The HCPA will provide reasonable accommodation for persons with disabilities planning to participate in this meeting who contact staff at least 72 hours before the meeting.

Map and Directions to Pittsburg City Hall 65 Civic Drive



Directions from I-680, Central County

- 1) Take Hwy 4 East toward Antioch/Stockton
- 2) Follow Hwy East over the hill (Willow Pass)
- 3) Exit Railroad Ave. (the 2nd exit after the hill)
- 4) At the end of the exit ramp, turn left on Railroad Ave.
- 5) Turn left at the second intersection, East Center Drive (signs for various city offices will also point you this way)
- 6) Immediately bear right into the large parking lot next to City Hall
- 7) Meeting is on the 3rd floor

Directions from Antioch and points east

- 1) Take Hwy 4 West toward Martinez/Richmond
- 2) Exit Railroad Ave.
- 3) At the end of the exit ramp, turn right on Railroad Ave.
- 4) Turn left at the next intersection, East Center Drive (signs for various city offices will also point you this way)
- 5) Immediately bear right into the large parking lot next to City Hall
- 6) Meeting is on the 3rd floor

DRAFT MEETING RECORD

East Contra Costa County Habitat Conservation Plan Association (HCPA) Coordination Group Meeting

Thursday, May 20, 2004

1 p.m. to 3 p.m.

City of Pittsburg Council Chambers

1:00 Welcome and Introductions. Meeting attendees introduced themselves. Coordination Group members and staff in attendance were:

Chris Barton, City of Pittsburg
Bradley Brownlow, Morrison & Foerster
Paul Campos, HBA
Charli Danielsen, CNPS
Abigail Fateman, CCC Community Dev.

Janice Gan, CA Dept of Fish & Game
Sheila Larsen, USFWS
Donna Vingo, CCLA
Mike Vukelich, CCC Farm Bureau
David Zippin, Jones & Stokes

Also in attendance: John Hopkins, Cheryl Morgan, Phillip Torres, Jim Couiglio

1:05 Review and approve Draft Meeting Record of the April 15 Coordination Group meeting. The meeting record was approved without objection.

1:10 Updates: David Zippin provided an update:

- **Wetlands permitting** – The Regional Water Quality Control Board is being engaged in discussions regarding the HCP/NCCP and Wetlands.
- **CCC Public Works – Rural infrastructure projects** – CCC Public Works provided the CG with a copy of a comment letter several months ago regarding the additional rural infrastructure projects they would like to see covered. Public Works has been asked to pay for this additional work.

1:30 Continue discussion of HCP fee structure and begin to formulate a Coordination Group recommendation to the Executive Governing Committee on this topic (attempt to finalize recommendation by June 17). Key issues:

- **Review discussion from March and April meetings;**
- **Consider the fee zone approach and seek consensus on whether this is a good approach or not (see prior cover memo (attached); Fee zone maps will be available at the meeting)** No consensus was reached on Fee structure issues.
- **Review fee zone ratios; (see table with alternatives attached—no change from last packet)** The group discussed the various fee ratio options that have been presented at the past few meetings. It was expressed that whatever fee structure was incorporated into the HCP ought to be more attractive to developers than independently applying for ESA permits – otherwise the HCP was not achieving what was intended.

John Hopkins and Cheryl Morgan expressed concern that lower fees for developing in Zone I would encourage development of Ag land.

Charli Danielsen suggested that a flat fee for everyone would be fairer.

Cheryl Morgan added that tiering the fees is unfair.

Janice Gan expressed that it was important the fee structure is similar to the current costs associated with permitting for ESA and that there are currently different costs for different types of impacts.

Bradley Brownlow agreed with Janice and suggested that if there was a flat fee many people would opt not to participate in the plan and try to pay a lower fee directly to DFG and FWS.

Paul Campos said that of the alternatives presented he preferred #3

Chris Barton suggested that we define Infill more specifically and are more explicit about what species/features would be trigger other fees to be added to the base fee.

Cheryl Morgan indicated that she preferred alternative 1

Charli Danielsen indicated that she preferred alternative 1 or 3 (1 most preferred)

Bradley Brownlow indicated that he preferred alternative 3

Janice Gan indicated that she preferred alternative 3 or 4

Chris Barton indicated that he preferred alternative 3, but want to explore a 2:2:1 fee ratio

Sheila Larsen indicated that we should explore alternative 1 to see if it might work.

- **In addition to the fee scaled by zone; should there be different fees for linear projects? For one-time or periodic temporary impacts (i.e., buried pipeline or maintenance)?** There was no consensus on linear feature fees. Charlie Danielson suggested that there should be an incentive for projects to share a right of way (for example, 3 or more wires/pipes buried together). Mike Vukelich expressed that he felt that temporary projects had minimal impact and shouldn't pay a fee. Sheila Larsen said that there were temporary linear impacts that had large impacts.
- **Other considerations (how to implement fees; how much of plan costs should fees fund (i.e. "Fair Share" or "No Funding Gap" scenario—probably too soon to resolve this, but we need to keep discussing)**
To be discussed at another time.

2:15 Review of draft revisions to Chapter 7: Implementation David Zippin reviewed the changes to Chapter 7. Some comments from the group included:

- Clarify "participating special entities"
- Strike the word "cultivated" from 7-12 #5
- Require that all land that is credited to the preservation system is from willing sellers.
- 7.7 reference specific plans
- 7.15 consistency all lands in the preserve system credited to the HCP (including mitigation bank properties) need to follow the same monitoring and the management (adaptive) standards as outlined in the HCP.
- Results of monitoring need to be reported to the Implementing Entity
- There should be a periodic review of the preserve, financial situation, etc (DZ pointed out that this is incorporated in Chapter 6)

2:55 Confirm upcoming meeting dates.

Thursday, June 17, 1 p.m. to 3 p.m

Thursday, July 15, 1 p.m. to 3 p.m.

HCPA Executive Governing Committee: Thursday, June 17, 2004, 5:30 pm

2:55 Public comment. None

3:00 Adjourn.

Original Approach to Chapter 6: Monitoring and Adaptive Management

Originally Chapter 6 was presented as a conceptual model addressing the concepts of compliance, effectiveness, status and trends, and performance monitoring per the HCP handbook. Specific goals were detailed in tables as well as the performance standards and performance objectives that determined compliance and effectiveness, respectively. Significant effort was devoted to distinguishing between different types of monitoring based on how results might affect compliance with the plan.

Summary of “Big Picture” Comments Received:

Restructure:

- Move administrative monitoring to Implementation chapter
- Separate compliance and effectiveness monitoring
- Join status/trend monitoring and effectiveness monitoring
- Put Adaptive Management before Monitoring
- Move procedures for revising HCP (et al.) to Implementation chapter

Reorient towards NCCP principles:

- Tie monitoring to natural resources
- Explain monitoring more holistically
- Use principles of ecosystem monitoring

Provide more detail:

- Flesh out chapter with more detail
- Provide budget and workplan
- Allocate personnel

Summary of Changes to Chapter 6

The emphasis of the chapter is moving towards a more holistic explanation of the monitoring and adaptive management programs and how those integrate at the landscape, natural community and species scales. The overall effect of the changes will be to shift the focus of the chapter to the biological (rather than administrative) aspects of monitoring and adaptive management. Using natural community types provides a framework for the integration of the adaptive management and monitoring programs and allowed us to flesh out these programs at different scales. We will de-emphasized monitoring for plan compliance and provided greater emphasis on monitoring for plan effectiveness.

The major changes underway to the chapter include the following:

1. Separating monitoring into two main areas--effectiveness and compliance--with compliance monitoring addressing the mitigation requirements for covered activities and effectiveness monitoring addressing the effects of preserve management.

Effectiveness monitoring will integrate what was previously status/trend monitoring, effectiveness, and performance monitoring.

2. Adding a section that describes the integration of adaptive management with effectiveness and compliance monitoring based on natural community types. Integrated management and monitoring will be described for 6 natural community types at the landscape, community and species levels. To this end, species-level survey/monitoring requirements that were previously located in the Conservation Strategy will be moved to the species-specific monitoring requirements of this chapter.
3. Sections regarding administration of monitoring or adaptive management will be moved to the Implementation chapter (Chapter 7).
4. Adding significant detail on the integration of adaptive management and monitoring, the principles of adaptive management and monitoring, landscape/community/species-level monitoring. We also plan to add more discussion on budgeting and workplan.

Introduction

Purpose and Goals

**Integration of Adaptive Management and
Monitoring Programs**

Regulatory Requirements

Adaptive Management Program

Definitions

Overview

Organizational Structure

Principles of Adaptive Management

Directed Research

Monitoring

Plan Effectiveness

Principles of Monitoring

Landscape Level

Natural-Community Level

Species Level

Plan Compliance

Surveys for Covered Activities

Planning Surveys

Delineation of Jurisdictional Waters

Preconstruction Surveys for Wildlife

Construction Monitoring

**Adaptive Management & Monitoring by
Natural Community Type**

Grassland

Landscape

Natural Community

Species

Townsend's Big-eared bat

San Joaquin Kit Fox

Golden Eagle

Western Burrowing Owl

Chaparral/Scrub

Landscape

**Natural Community
Species**

Alameda Whipsnake
Silvery Legless Lizard

Oak Woodland

Landscape
Natural Community
Species

Riparian Woodland/Scrub

Landscape
Natural Community
Species
Swainson's Hawk

Wetlands

Landscape
Natural Community
Species
California Tiger Salamander
California Red-legged Frog
Covered Shrimp
Tricolored Blackbird

Aquatic

Landscape
Natural Community
Species
Foothill Yellow-legged Frog
Giant Garter Snake

**Database Development and Maintenance
Reporting**

Chapter 6 (Nov '03 outline)

Introduction

Regulatory Requirements

Monitoring

HCP/NCCP Implementation Tracking

Planning Surveys

Preconstruction Surveys

Construction Monitoring

Performance Monitoring

Effectiveness Monitoring

**Example of Monitoring Sequence at a
Created Pond**

Status and Trend Monitoring

Land-Cover Types

Invasive Nonnative Plants

Wildlife Indicator Species

Adaptive Management

HCP/NCCP Adaptive Management

Process

**Elements of the HCP/NCCP Subject to
Adaptive Management**

Directed Research

Structure of the Adaptive Management

Decision-Making Process

Procedures for Revising the HCP/NCCP

Conservation Strategy

**Changed Circumstances and Remedial
Measures**

Recovery Plans

Database Development and Maintenance

Reporting